

IAP15 Rec'd PCT/PTO 28 FEB 2007 PCT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Dkt: ANDERSEN8

In re application of:
Mads Hald ANDERSEN et al.
Serial No. 10/580,016
IA Filing Date: November 18, 2004
For: PROTEINS BELONGING TO THE BCL-2 FAMILY...

) Application Division
) ATTN: PCT
) Washington, D.C.
) Confirmation No. 7719
) Date: February 28, 2007

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated December 28, 2006. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information and serial number.
[XX] Search Fee [XX] \$200.00 (Small Entity) [] \$400.00 (Large Entity)
[XX] Examination Fee [XX] \$100.00 (Small Entity) [] \$200.00 (Large Entity)
[XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
[XX] Copy of the "Sequence Listing" in computer readable form (CRF) with disk.
[XX] Additional fees as calculated below:

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130.00
Number of each additional 50 pages or fraction thereof (round up to a whole number)		RATE
		X \$250.00
Number of Claims Previously Paid For	Number of Extra Claims	Rate
77- 20 =	57	X \$ 50.00
3- 3 =	0	X \$200.00
Multiple Dependent Claims (if applicable)		+ \$360.00
TOTAL OF ABOVE CALCULATIONS		\$2980.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$1490.00 >
SUBTOTAL		\$1490.00
Processing fee of \$130.00 for late furnishing of the English translation.		\$
TOTAL NATIONAL FEE		\$1490.00

- [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[] First - \$ 60.00
[] Second - \$ 225.00
[] Third - \$ 510.00
[] Fourth - \$ 795.00
[] Fifth - \$1,080.00
month after time period set

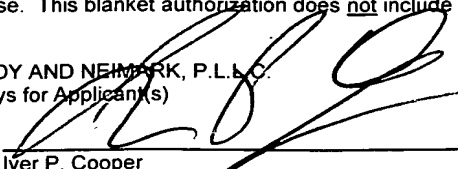
Other Than Small Entity
Response Filed Within
[] First - \$ 120.00
[] Second - \$ 450.00
[] Third - \$1,020.00
[] Fourth - \$1,590.00
[] Fifth - \$2,160.00
month after time period set

- [XX] Total fees enclosed: \$1790.00
[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$1790 .00 is enclosed to cover the above fees.
[XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

03/05/2007 MKAYPAGH 00000057 10580016

01 FC:2633 100.00 OP
02 FC:2642 200.00 OP
03 FC:2615 1425.00 OP
04 FC:2617 65.00 OP

BROWDY AND NEWMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 
Iver P. Cooper
Registration No. 28,005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit:
)	
ANDERSEN, et al.)	Examiner:
)	
Appln. No.: 10/580,016)	Washington, D.C.
)	
Filed: May 19, 2006)	February 28, 2007
)	
For: PROTEINS BELONGINGS TO)	Docket No.: ANDERSEN=8
THE BCL-2 FAMILY AND)	
FRAGMENTS THEREOF, ...)	Confirmation No.: 7719

RESPONSE TO "SEQUENCE LISTING" REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Notification of Missing Requirements...
mailed December 28, 2006, please enter the following response to
sequence listing (CRF) requirement set forth therein.

REMARKS

1. Applicants hereby submit the following:
 - [] a paper copy of a "Sequence Listing", complying with §1.821(c), to be incorporated into the specification as directed above;
 - [] an amendment to the paper copy of the "Sequence Listing" submitted on , the amendment being in the form of substitute sheets;
 - [XX] the Sequence Listing in computer readable form, complying with §1.821(e) and §1.824, including, if an amendment to the paper copy is submitted, all previously submitted data with the amendment incorporated therein;
 - [] a substitute computer readable form to replace one found to be damaged or unreadable.
 - [] The computer readable form in this application no. 09/... is identical with that filed on [date sequence was filed] in application no. 09/ , filed [filing date]. In accordance with 37 C.F.R. §1.821(e), please use the [first-filed, last-filed or only, whichever is applicable] computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is [included in the originally-filed specification of the instant application, included in a separately filed preliminary amendment for incorporation into the specification, whichever is applicable].

2. The undersigned attorney or agent hereby states as follows:

- (a) this submission does not include new matter [§1.821(g)];
- (b) the contents of the paper copy (as amended, if applicable) and the computer readable form of the Sequence Listing, are the same [§1.821(f) and §1.825(b)];
- (c) if the paper copy has been amended, the amendment is supported by the specification and does not include new matter [§1.825(a)]; and
- (d) if the computer readable form submitted herewith is a substitute for a form found upon receipt by the PTO to be damaged or unreadable, that the substitute data is identical to that originally filed [§1.825(d)].

3. Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence).

USSN - 10/580,016

Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____

Iver P. Cooper

Registration No. 28,005

IPC:lms
624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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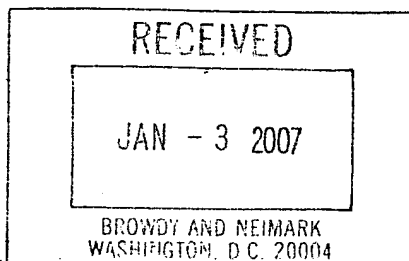
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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/580,016	FIRST NAMED APPLICANT Mads Hald Andersen	ATTY. DOCKET NO. ANDERSEN8
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1444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303



INTERNATIONAL APPLICATION NO. PCT/DK04/00799	
I.A. FILING DATE 11/18/2004	PRIORITY DATE 11/19/2003

CONFIRMATION NO. 7719
371 FORMALITIES LETTER



OC000000021748629

Date Mailed: 12/28/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/19/2006
- Copy of the International Search Report filed on 05/19/2006
- Biochemical Sequence Listing filed on 05/19/2006
- Request for Immediate Examination filed on 05/19/2006
- U.S. Basic National Fees filed on 05/19/2006
- Priority Documents filed on 05/19/2006

MSP/SEQ | IDS/PREAMB = 28FE 2007

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$2230 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$2595** for a Small Entity:

- **\$65 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 2230**
 - **\$2050** for 82 total claims over 20.
 - **\$180** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/580,016	PCT/DK04/00799	ANDERSEN8

FORM PCT/DO/EO/905 (371 Formalities Notice)